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6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,	)	No. CR-10-00352 PJH
	)	
11 Plaintiff,	)	AMENDED STIPULATED REQUEST TO
	)	CONTINUE HEARING DATE TO
12 v.	)	NOVEMBER 18, 2010 AND TO
	)	EXCLUDE TIME UNDER THE SPEEDY
13 TAE SON LEE	)	TRIAL ACT AND ORDER
14 JONG MOON CHOI	)	
15 KWANG IL SONG,	)	Hearing Date: August 24, 2010
	)	Time: 10:00 a.m.
16 Defendants.	)	

**The Honorable Donna M. Ryu**

17  
18 The above-captioned matter is set on August 24, 2010 before this Court for a status  
19 hearing. The parties jointly request that the Court continue the matter to November 18, 2010 at  
20 9:30 a.m. ~~10:00~~ a.m. before the sitting United States Magistrate Judge, and that the Court exclude time  
21 under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between August 24, 2010  
22 and November 18, 2010.

23 On April 29, 2010, the Grand Jury charged defendants in a fifty-count indictment with  
24 conspiracy, tax evasion and structuring, in violation of 18 U.S.C. § 371, 26 U.S.C. § 7201 and 31  
25 U.S.C. § 5324(a)(3). Defendants face five years imprisonment on each count.

26 The parties last appeared before the Court on June 29, 2010, when Mr. Choi made his

1 initial appearance in this district. Discovery had not yet been produced, and, at the hearing, the  
2 Court ordered the parties to meet and confer regarding the government's proposed protective  
3 order. On July 23, 2010, the parties agreed upon a protective order and a motion to unseal the  
4 search warrant affidavit, which the Court signed on July 26, 2010.

5 The current status of the discovery is that the government has produced the search  
6 warrant affidavit, and it soon plans to produce a voluminous amount of electronic discovery as  
7 well. Additionally, there are over sixty banker's boxes of documents in the possession of the  
8 government that the defense will need time to index and review once the parties agree on a  
9 protocol. Given the voluminous amount of discovery to review in this case, the parties request a  
10 continuance until November 18, 2010.

11 The requested continuance will allow defense counsel to begin to review the discovery,  
12 to investigate the underlying facts of the case, and to obtain and review additional records on  
13 behalf of their clients. For this reason, the parties agree that the failure to grant this continuance  
14 would unreasonably deny counsel for defendants the reasonable time necessary for effective  
15 preparation, taking into account the exercise of due diligence.

16 The parties further stipulate and agree that the ends of justice served by this continuance  
17 outweigh the best interest of the public and the defendants in a speedy trial. Accordingly, the  
18 parties agree that the period of time from August 24, 2010 to November 18, 2010, should be  
19 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)  
20 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due  
21 diligence.

22 DATED: August 17, 2010

\_\_\_\_\_  
/S/  
ANDREW HUANG  
Assistant United States Attorney

24 DATED: August 17, 2010

\_\_\_\_\_  
/S/  
CHRISTOPHER J. CANNON  
Counsel for Defendant Song

1 DATED: August 17, 2010

2 /S/  
MARTIN A. SCHAINBAUM  
BRYANT W.H. SMITH  
3 Counsel for Defendant Lee

4 DATED: August 17, 2010

5 /S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender  
6 Counsel for Defendant Choi

7 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)  
8 within this e-filed document. /S/ ANGELA M. HANSEN

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the parties agreed to a protective order in late July 2010 and that the government plans to produce a voluminous amount of electronic discovery in the coming weeks;

2. Given that there are over sixty banker's boxes of documents that the defense will need to index and review once the parties agree to a protocol;


3. Given the need for a lengthy continuance due to the voluminous amount of discovery in this case and the complex nature of the fifty-count indictment;

4. Given that a complete review of the discovery is necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

5. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendants in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of August 24, 2010 scheduled at 10:00 a.m., before the Honorable Donna M. Ryu, is vacated and reset for 9:30 a.m. November 18, 2010, at 10:00 a.m. before the sitting United States Magistrate Judge. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from August 24, 2010 to November 18, 2010.

DATED: 8/21/2010

  
DONNA M. RYU  
United States Magistrate Judge